MINUTES OF THE COURT OF APPEAL STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

April 2, 1998

DIVISION ONE

B116791 People (Not for Publication)

v. Moore

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B116438 People (Not for Publication)

v.

Elijah Z.

The order of wardship is affirmed.

Ortega, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B109962 Rancho Dominguez Bank, et al. (Not for Publication)

V.

Garcia

We reverse the award of section 128.5 sanctions and remand the matter with directions that the trial court enter a new and different order denying the motion for sanctions under section 128.5. Appellants are entitled to costs on appeal.

Ortega, J.

We concur: Spencer, P.J.

Masterson, J.

DIVISION ONE (Continued)

B117904 McKinney (Not for Publication)

V.

Superior Court, Los Angeles County

(The People, r.p.i.)

We grant McKinney's writ petition. We remand the case to the trial court with instructions that it permit the People, if they so choose, to move to amend the information by alleging the prior prison term felony convictions. The trial court should then exercise its discretion as discussed in this opinion and grant or deny the amendment. Should the amendment be permitted, if the new allegations are proven or admitted, the trial court should exercise its *Romero* discretion and decide whether to strike any or all of the proven strike convictions.

Ortega, J.

We concur: Spencer, P.J.

Dunn, J. (Assigned)

DIVISION TWO

B114249 County of Los Angeles (Certified for Publication)

V.

Warmoth

The order denying appellant's motion to set aside the default judgment is vacated. The matter is remanded for such further hearings consistent with this opinion as may be necessary. Appellant to recover costs on appeal.

Zebrowski, J.

We concur: Fukuto, Acting P.J.

Nott, J.

DIVISION TWO (Continued)

B116030 People (Not for Publication)

V.

Magee

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B114839 People (Not for Publication)

v.

Palmer

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B111685 People (Not for Publication)

v.

Nelson

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

DIVISION TWO (Continued)

B110694 People (Not for Publication)

v. Taufi

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B107677 People (Not for Publication)

V.

Moody

The Court:

The portion of the judgment imposing and permanently staying two 1-year enhancements under Penal Code section 667.5, subdivision (b), is reversed. The matter is remanded to the trial court with directions to either impose three 1-year enhancements under Penal Code section 667.5, subdivision (b), or to state on the record the court's reasons for permanently staying (striking) them. In all other respects, the judgment is affirmed. The amended abstract of judgment following resentencing on the enhancements under Penal Code section 667.5, subdivision (b), must indicate that a \$500 restitution fine was imposed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

DIVISION THREE

B116345 People (Not for Publication)

V.

Ramon Alantz

The Court:

The judgment (order revoking probation) is affirmed.

Klein, P.J., Croskey, J., Kitching, J.

DIVISION THREE (Continued)

B116611 Los Angeles County, D.C.S. (Not for Publication)

V.

Craig R.

The Court:

The appeal is dismissed.

Klein, P.J., Kitching, J., Aldrich, J.

B114464 People (Not for Publication)

v.

Arthur Lorenzo Buckhalter, Jr.

The Court:

The judgment is affirmed.

Klein, P.J., Kitching, J., Aldrich, J.

B101815 People (Not for Publication)

v.

Luis Humberto Flores

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.

Kitching, J.

DIVISION THREE (Continued)

B106758 People (Not for Publication)

V.

Francis Theodore McSherry

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.

Kitching, J.

B118816 Christina O. and Robert O. (Not for Publication)

v.

Superior Court, Los Angeles County

(L.A. County DCFS, r.p.i.)

The Court:

The petitions are denied.

Croskey, Acting P.J., Kitching, J., Aldrich, J.

B111090 People (Not for Publication)

v.

Urbano E.

The order under review is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.

Aldrich, J.

DIVISION THREE (Continued)

B108366 People (Not for Publication)

V.

Hakim Harith Jardan

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J. Aldrich, J.

B082649 People (Not for Publication)

v.

Melchor Reyes

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.

Aldrich, J.

DIVISION FOUR

B093741 People

v. Hurd

Filed order certifying opinion for partial publication.

DIVISION FIVE

B110577 People (Not for Publication)

V.

Thomas J. Kelly

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J. Grignon, J.

B109479 P.G.F., INC.

v.

Michael Aken

On the court's own motion appeal filed January 16, 1997, dismissed.

DIVISION SIX

B111335 Veterans of Foreign Wars, Post 10965 (Certified for Publication)

V.

City of El Paso De Robles

The judgment is reversed. Cost to appellants.

Yegan, J.

We concur: Stone, P.J.

Gilbert, J.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., and Emma Jean Amos, Deputy Clerk.

Each of the following:

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B103036 People v. Smith
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B104276 People v. Grandberry

B106193 People v. Valenzuela

B107428 People v. Haywood

B108085 People v. Pizzaro

B108734 People v. Patterson

B109474 People v. Reed

B109628 People v. Smith

B110840 People v. Thornton

B111208 People v. Clark

B111279 People v. Mvuemba

B113030 People v. Silva

B114084 People v. Olivares

B114227 People v. Schrey

B114343 People v. Robles

B114579 People v. Michael C.

B114685 People v. Block

B115335 People v. Jones

B111744 People v. Chavez

B113351 County of Los Angeles v. Lora R.

B115793 Lora R. v. D.C.F.S.

B115508 County of Los Angeles v. Alfred G.

B117860 Vickie D. v. D.C.F.S.

B118422 Douglas G. v. D.C.F.S.

B118692 Jose O. v. D.C.F.S.

B111884 County of Los Angeles v. Dennis P.

Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B107128 People

v.

Safarian

Appearances:

Catherine Case for appellant and by Carl N. Henry, deputy attorney general, for respondent. Argument waived, cause submitted.

B112176 People

v.

Saunders

Oral argument continued to May 7, 1998, at 9 a.m.

B112753 People

v.

Michael D.

Appearances:

Gerald Serlin for appellant and by Jennifer Leal, deputy attorney general, for respondent. Argument waived, cause submitted.

B110464 People

v.

Givens

Merits:

Argued by Tracy Dressner for appellant and by Andrew Amerson, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B110474 People

V.

Loot

Merits:

Argued by Allen Weisberg for appellant and by Michael Katz, deputy attorney general, for respondent. Cause submitted.

B109284 People v. Brinkley

B117983 In re Brinkley on Habeas Corpus

Merits:

Argued by Walter L. Gordon for appellant and by Susan C. Diamond, deputy attorney general, for respondent. Cause submitted.

B102460 People

v.

Bullard and Coleman

Merits:

Argued by David D. Carico for appellant Coleman and by David Eldridge, deputy attorney general, for respondent. No appearance on behalf of appellant Bullard. Cause submitted.

B110319 People

v.

Morris

Merits:

Argued by Carlo A. Spiga for appellant and by David Cook, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B099630 People

V.

Clark and Robey

Merits:

Argued by Melissa Hill and David Kelly for appellants and by Joseph P. Lee, deputy attorney general, for respondent. Cause submitted.

B106646 Threet

v.

Ladd

Merits:

Argued by Joann Threet, in propria persona, for appellant and no appearance by respondent pursuant to rule 17(b), Cal. Rules of Court. Cause submitted.

B107506 Rigdon

v.

Alford

Merits:

Argued by K. David Crockett for appellant and by Robert K. Scott for respondent. Cause submitted.

B106279 Reddy

V

Litton Industries, Inc.

Merits:

Argued by Kate Neiswender for appellant and by John D. Lang for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B107741	Peoplev. Jackson
B109763	People v. Perez
B118037	In re Perez on Habeas Corpus
B103203	People v. Gonzalez
B116738	In re Gonzalez on Habeas Corpus
B106156	People v. Thomas
B110574	People v. Lucero and Maldonado

Each

Oral argument continued to May 7, 1998 at 9 a.m.

B110955	People v. Walton
B107996	Brown v. Falkowski
B108392	Chavez v. County of Los Angeles

Each

Matter ordered off calendar.

B114101 People

v.

S.C.L.A.

(Laff and Widlawski, r.p.i.)

Merits:

Argued by Brent Riggs, deputy district attorney, for petitioner and by John Daley for respondent and by Richard Moss for real parties in interests. Cause submitted.

Court recessed at 11:15 a.m.

DIVISION SEVEN (Continued)

The Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., and Emma Jean Amos, Deputy Clerk.

B117653 Calif. Ins. Guarantee Association

v

S.C.L.A.

(Ins. Commissioner of the State of Calif., r.p.i.)

Merits:

Argued by C. Guerry Collins for petitioner and by Joseph M. O'Heron, deputy attorney general, for real party in interest. Cause submitted.

B111895 Dept. of Children & Family Services

v.

Reynaldo S.

Merits:

Argued by Amy N. Carter for appellant and by Michael Salazar for respondent. Cause submitted.

B111230 Paparian

v.

San Gabriel Valley Newspaper Group

Merits:

The matter having been previously dismissed on March 27, 1998, is ordered off calendar.

DIVISION SEVEN (Continued)

B098618 Ward

v.

Calif. Steel Industries, Inc.

Merits:

Argued by David Loomis for appellant and by Sharyl Bilas for respondents.

Cause submitted.

Court adjourned.

B104256 People

v. Pitts

Petition for rehearing denied by operation of law.

B095241 Linden Partners

v.

Wilshire Linden Associates

Filed order denying petition for rehearing.

B111001 People (Not for Publication)

v.

Dempsey

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.

Neal, J.

DIVISION SEVEN (Continued)

B105911 Youssef (Not for Publication)

v.

Tookey

The judgment is reversed. Appellant to recover costs on appeal.

Woods, J.

We concur: Lillie, P.J.

Neal, J.

B110664 Kutnyak (Not for Publication)

v.

Queen of Angels/Hollywood Presbyterian Medical Center

The judgment is affirmed. The parties shall bear their own costs on appeal.

Woods, J.

We concur: Lillie, P.J.

Neal, J.